

Civil Monetary Penalty (CMP) Fund Allocation Protocol

- A. CMP project applications (intra governmental and extra governmental) are directed to the Office of Long Term Care Supports and Services (OLTCSS) Director with a copy to the Medical Services Administration (MSA) Director. The submissions will also be forwarded to the appropriate department content experts for review, evaluation of CMP criteria, and recommendation in accordance with the CMP Guidelines, Attachment A.
- B. Content experts from the following areas will review and provide input for support or non-support of funding. They will provide their input in writing (via e-mail or ID mail) to the MSA and OLTCSS Directors. If there is no consensus among the reviewers, the group will be convened for a structured discussion to gain consensus. Once consensus is gained the MSA and OLTCSS Directors will forward the recommendation to fund/or not fund to the Department of Community Health (DCH) Director for final approval.

Content Experts:

- Bureau of Health Systems (nursing homes)
 - Bureau of Health Professions (licensed professionals)
 - Medicaid
 - Office of Services to the Aging (OSA)
 - OLTCSS
 - State Long Term Care Ombudsman
- C. On an annual basis in September, the MSA and OLTCSS Directors submit to the DCH Director a list of CMP projects to be considered for funding for the next fiscal year.
 - D. The annual expenditure for on-going projects is \$2 million. Available funds beyond the \$2 million will be for one-time projects.
 - E. In cases where CMP proposals come into the department for consideration of funding mid-year, the MSA and OLTCSS Directors and content experts review and provide recommendation to the DCH Director accordingly.
 - F. The DCH Director will make the final decision and inform the Director of Medicaid and Director of the OLTCSS. The OLTCSS Director will forward the award letter to the selected recipients.
 - G. DCH Accounting Division will be notified of the award and process accordingly.
 - H. Funds will not be issued to a facility that has an outstanding debt to MDCH (CMPs, QAAP, License Fees, etc).

Attachment A-

CMP Guidelines

1. CMP proposals must meet all of the following three criteria:
 - CMP funds are applied to administrative expenses rather than direct care costs.
 - Programs that will make a substantial, lasting impact and potentially a widespread impact. Programs are practical, sustainable and can be replicated by others after the funding has ended.
 - Innovative projects that go beyond regulatory requirements; usual and customary budget expenditures to improve residents' quality of care and quality of life; encourage person directed care; promote consumer advocacy and involvement; and stimulate and support the spread of culture change.
2. CMP proposals must address and must relate to at least one of the following:
 - Payment for the costs of relocation of residents to other facilities.
 - Maintenance of operation of a facility pending correction of deficiencies or closure.
 - Reimbursement of residents for personal funds or property lost.
 - Projects that directly benefit facility residents in accordance with 1919(h) (2) (A) (ii) of the Act, including funding an increase in ombudsman services.
 - Short term projects to improve residents' quality of life and care.
 - Promotion of compliance and sustained compliance by nursing facilities, through educational means, i.e. trainings; videos; pamphlets; and public service announcements.
 - Examples of non-allowable use of CMP funds include: Loans to deficient facilities, payments to non-compliant facilities to correct citations.

Office of Long Term Care Supports and Services (OLTCSS)
11/20/08